

# **NWSSP Procurement Services**

## **Supplier Policy**

**Authorised by: NWSSP Director - Procurement Services**

**Date Authorised: 7<sup>th</sup> January 2015**

**Version Number: 2**

**Document Author: Graham Davies/Sourcing Group**

**Date of Review: January 2016**

## VERSION CONTROL SCHEDULE

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## 1 PURPOSE

To support and enhance the relationship between Procurement Services staff and commercial company representatives to work in partnership on a sound professional footing to protect patients, staff, the supplier and Procurement Services.

## 2 POLICY STATEMENT

Procurement Services is committed to ensuring that procurement activity is carried out in line with the highest ethical standards and where this is on Trust/LHB sites, that it is conducted with due regard to local Trust /LHB health and safety obligations. This policy is therefore, to be read in conjunction with any local Trust/LHB SFIs, Codes of Conduct or disciplinary rules and standards of behaviour that may apply.

It has been written to provide support and guidance to Procurement Services staff and to provide a code of practice for suppliers outlining the standards of behaviour expected whilst engaging with Procurement Services staff.

Procurement Services staff should ensure that the guidance contained within this document is enforced at all times.

## 3 SCOPE

This policy applies to all staff designated to carry out supplier liaison and suppliers to the NHS under contract, framework and/or purchasing agreement.

It does not cover arrangements for supplier visits to operating theatres, pharmaceutical supplies for clinical trials, clinical assessments and named-patient supplies which are the responsibility of and managed in accordance with, local Trust/LHB arrangements.

## 4 PRINCIPLES

To establish and maintain a good ethical working relationship with our suppliers Procurement Services staff should comply with the following;

- Relevant Trust/LHB policies and standards of conduct, including those relevant to the Pharmaceutical Industry
- HSG (93)5, Standards of Business Conduct for NHS Staff
- Guidelines outlined in Section 6 of this policy manual
- CIPS Code of Ethics

## 5 LEGISLATIVE & NHS REQUIREMENTS

All goods donated or purchased and services offered to Trusts/LHBs will be procured against the standard NHS Conditions of Contract unless otherwise agreed. These include the following conditions which are also applicable to items supplied on loan which will require an Indemnity Agreement being signed by both the supplier and the Trust/LHB representative.

### Condition 28 – Indemnity

This condition ensures that the Trust/LHB is given protection of an unlimited obligation on the part of the supplier to pay compensation for the damage or injury to persons or property. This is in addition to any specific rights under the contract or under statute or common law. Condition 28 covers consequential loss and relates only to defective goods, delivery and unloading.

### **Condition 29 – Insurance**

This follows on from condition 28 and imposes an obligation to insure against the liabilities resulting from that indemnity. It specifies a minimum sum for insurance cover in respect of each year.

Copies of the NHS Conditions of Contract can be found on the Procurement Services website.

## **6 ROLES & RESPONSIBILITIES**

### **6.1 Staff Responsibilities**

Staff need to be aware of their responsibilities as outlined in this and associated policies and guidance, ensuring that company representatives are treated as visitors, thereby ensuring that there is an identified point of registering the visit, use of identified badge and log out exit point.

### **6.2 Supplier Responsibilities**

Supplier Representatives should be provided with a copy of Appendix A which outlines their obligations with regard to this Policy.

## **7 PROCESS**

### **7.1 General**

It is recognised that, in addition to providing information to healthcare practitioners to improve patient care, the prime function of representatives is to promote and sell their products and services. This function should be carried out in a proper and ethical manner and must not contravene Trust/LHB, NHS or government policies or legislation.

If this policy is breached company representatives may be removed or barred from site or, reported to company, commercial or professional organisations if codes of practice are breached.

### **7.2 Trust/LHB Employee Contact with Company Representatives**

Staff contact with commercial representatives should be restricted to the following;

- To request training and educational support, where provided through a formal contract.
- To request updated literature and research around the company's products or specialist area.
- When taking part in formal research data collection exercise.
- When supporting a tender process.
- In order to clarify any issue with current contract or purchasing agreement.
- To obtain technical advice with regard to a specific contract.
- To obtain indicative prices in support of a new product or service.

Technical dialogue with suppliers is permitted until a procurement exercise begins. Once a procurement exercise has begun there must be no communication, with regard to that particular exercise, between Procurement Services staff and suppliers with the exception of the relevant contract lead. Should a supplier involved in a 'live' procurement exercise contact staff through any other means, the supplier will be excluded from that procurement process.

### 7.3 Visits to Trust /LHB Sites

- Meetings with suppliers should be by prior appointment only, with subjects for discussion identified in advance. Representatives may **not** enter any clinical areas (including theatres, wards, medical equipment centres, laboratories and outpatient areas etc) without an appointment.
- When making appointments between clinical staff and representatives, consultants should be approached before junior medical staff. Junior doctors and pharmacists should not be bleeped to make appointments. The expectation is that such meetings should be educational and not entirely promotional.
- Wherever practicable meetings should take place in a designated area. Particular care should be taken with regard to the security of patient related confidential information.
- A representative arriving for an appointment must arrange to be met by the host. Hosts will be expected to make arrangements for visitors' badges to be available by advising the appropriate area in advance with details of the expected visitor. Representatives should wear their visitor's identification badge at all times and sign in the representative's register (where applicable).
- When on site all representatives must comply with any instructions given to them by an authorised member of staff. This is to protect visitors in the event of an emergency situation arising eg., a fire or major incident and to ensure patient safety.
- When on site all representatives would be expected to comply with the local policies, procedures or guidance that are relevant at the time including for example;
  - no smoking policy
  - data protection policies
  - infection control policies
  - car parking policy
- Staff should ensure that suppliers are not given any guarantees with regard to future contracts. A verbal acceptance of a supplier's offer may legally be construed as a contract acceptance by the Trust/LHB whether or not the agreement was made in writing, or the member of staff was an authorised officer.

Any documentation that suppliers propose for signing should be referred to the appropriate contract lead for assessment without being signed.

- Should anyone be affected by any behavioural actions from a commercial representative the affected staff should complete the appropriate Trust/LHB Incident Report form. Progress will then be reviewed and undertaken as appropriate by line management.
- Representatives who persist in non adherence to this and associated policies may be excluded from future commercial tender activity.
- Trust/LHB staff seeking education and training regarding a product or equipment should in the first instance contact Procurement Services to ensure guidance is followed. Also, to ensure that appropriate working/project groups or Commodity Advisory Groups are adequately consulted.

## 7.4 Supplier Representatives & Theatre Departments

Where arrangements have been made for a supplier representative to visit an operating theatre, any such visit **must** be arranged in accordance with the relevant Trust/LHB policies and guidelines to ensure high standards of patient care and infection control are maintained.

## 7.5 Samples

### Pharmaceutical

Pharmaceutical product samples required for clinical trial and assessments must be approved and managed by the appropriate hospital pharmacy lead. All queries should be directed to the appropriate pharmacy contact.

Also need to comply with the provisions of the ABPI Code of Practice.

### Medical Equipment & Consumables

Where medical devices including those on loan, for trial or testing are required for product evaluation as part of the evaluation of suppliers' process, this will be carried out in accordance with Procurement Services' procedures. Contract Leads will ensure that there is appropriate engagement and Trust/LHB representation throughout the procurement process with due regard to any additional approvals required.

### General

Samples must not be left with medical staff or left on wards or departments except with the exception of clinical engineering staff.

## 7.6 Promotional Activity

Representatives should be well informed about the products that they are promoting. In addition, standard technical and (where appropriate), clinical data, including information on product effectiveness should be available. Price comparisons should not be used, unless they are approved by a Senior Manager.

Leaflets and posters produced by suppliers regarding equipment must not be distributed or displayed in clinical areas unless approved by the appropriate Trust/LHB Equipment Management Group.

Where any teaching and/or promotional activity is planned, representatives must advise the contract lead. The intent of the meeting must not contravene or challenge existing Trust/LHB policies but inform and complement the work of existing groups.

## 7.7 Commercial Sponsorship

**Staff should ensure that they are aware of and comply with their appropriate Trust/LHB Code of Ethics/Code of Conduct. This guidance will have been developed in line with national guidance and local policy.**

Commercial sponsorship is defined as including: NHS funding from an external source, including funding of all or part of the costs of a member, NHS research, staff training, pharmaceuticals, equipment, meeting rooms, costs associated with meetings, meals, gifts, hospitality hotel and transport costs (including trips abroad), provision of free services (eg. Speakers), building or premises.

Sponsorship relating to courses or conferences is only acceptable if it forms part of an educational or training course approved in accordance with the appropriate Trust/LHB policy.

All other hospitality will be refused unless prior written consent has been given from a Director or nominated Senior Manager (refer to the appropriate Trust/LHB Standing Orders/SFIs). This includes any travel arrangements for conferences or for viewing equipment where the supplier wishes to take responsibility for travel arrangements or costs.

## 7.8 Gifts in Kind

Business gifts, other than items of very small intrinsic value such as business diaries or calendars, must not be accepted. However, gifts should be declared to the appropriate Trust/LHB Board if several small gifts are in total worth over £20.00.

Suppliers must not attempt to influence business decision making by offering hospitality to Procurement Services or Trust/LHB staff. The frequency and scale of any hospitality accepted will be managed openly and with care by Procurement Services.

Food that forms any part of hospitality, provided by a third party, no matter how large or small, **must** be transported, stored, served and displayed in accordance with food hygiene legislation and in accordance with best practice. The food must originate from licensed food premises with appropriate records maintained (eg., premises licence, temperature checks, staff training) and available for inspection on request.

Acceptance of gifts by way of inducements or rewards is a criminal offence under the Prevention of Corruption Acts 1916 and Bribery Act 2010.

Staff should also declare where they have “Declined” offers of gifts, hospitality or sponsorship in accordance with local policies.

## 7.9 Declarations of Interest

All Procurement Services staff are expected to practice high standards of corporate and personal conduct in line with Velindre NHS Trust Standards of Behaviour Framework Policy and Standards of Business Conduct for NHS Staff. All staff are expected to ensure that they are not in a position where their private interests and NHS duties may conflict, with relevant interests declared in line with Trust Policy.

All Trust/LHB staff must ensure that they declare any relevant interests in accordance with appropriate policy.

## 7.10 Equality & Diversity

Procurement Services’ policies and procedures have been developed to comply with all relevant EU and domestic procurement regulations and legislation which embody the principles of transparency, non-discrimination and fair treatment.

Supplier obligations are outlined, in detail, in the NHS Conditions of Contract which will form the basis of any contract entered into with suppliers unless otherwise agreed. Obligations include the need for suppliers to comply with the Equality Act 2010 and any other additional directions, policies or codes of practice provided to them by Procurement Services as part of the procurement process.



### **7.11 Confidentiality**

Suppliers must take all necessary steps to ensure that if they should receive confidential or person identifiable information as part of the procurement process, it is acquired, stored, processed and disposed of in line with relevant regulations and legislation and any additional contractual requirements.

NHS Trust and Local Health Board staff (including Procurement Services) are expected to ensure that all confidential information provided to them in the course of service delivery is treated in line with relevant policies and procedures.

NHS Conditions of Contract set out the position with regard to confidential information and disclosure of such information.

### **7.12 Purchase Orders**

Commitment to purchase goods and services is only entered into by an official purchase order. Suppliers must not deliver goods or services without one.

Any goods or services received without an official purchase order will be accepted on the basis of 'Free Goods' and any subsequent invoices will be returned to full credit.

Any goods donated or services offered will be procured against standard NHS Conditions of Contract unless otherwise agreed.

### **7.13 Signing of Contracts/Agreements**

Contracts and agreements will be signed of behalf of NHS Trusts and LHBs by nominated officers with the authority to do so in accordance with the relevant SFI/Scheme of Delegation..

## **8 TRAINING**

It is not envisaged that any degree of additional formal training will be required as a result of the development of this policy. However, this policy should be brought to the attention of all Procurement Services staff.

## **9 IMPLEMENTATION**

Procurement Services will monitor this policy on a regular basis and ensure that the appropriate action has been followed.

All Procurement Services' managers are responsible for ensuring that this policy and any associated procedures are communicated and implemented within their area of responsibility.

A copy of this policy is available on the Procurement Services website.

## Appendix A Guidelines for Suppliers

- 1.0 Visiting supplier representatives should wear identification at all times detailing their name, position and the company whom they represent. An identification card, including photograph must be carried at all times for security verification purposes.
- 2.0 Representatives must make prior arrangements for all visits; subjects for discussion should be identified and agreed when making the appointment.
- 3.0 Representatives should not contact medical staff via the hospital bleep system unless prior arrangement has been made.
- 4.0 Any samples left with departments cannot be trialled or used without the express authorisation of the appropriate Procurement Services contract lead **and** that of the appropriate evaluation or project group responsible for the introduction of new products.
- 5.0 The appropriate Trust/LHB Head of Pharmacy must be informed in advance of any proposed trials or studies involving medicinal products. Such products and clinical trials must be left with Pharmacy and not with individual departments.
- 6.0 Procurement Services operates a formal competitive bid policy, which requires various processes to be applied dependent on the levels of expenditure involved. Suppliers should ensure that they have contacted Procurement Services to discuss the process to be followed before offering quotations to Trust/LHB departments.
- 7.0 Procurement Services and Trust/LHB staff are not allowed to accept gifts other than those of very small intrinsic value such as calendars and pens. Any other offer of gifts will be considered an inducement to purchase and will preclude any further business being conducted with the supplier concerned.
- 8.0 The frequency and scale of hospitality offered to Trust/LHB staff should be managed openly and with care and should not be greater than the Trust/LHB would normally be able to reciprocate. Should be in accordance with appropriate Trust/LHB policy
- 9.0 If confidential or person identifiable information is received as part of the procurement process all necessary steps must be taken to ensure that it is acquired, stored, processed and disposed of in line with relevant regulations and legislation and any additional contractual requirements.

### 10.0 Infection Control

Supplier representatives must be aware that all personnel who visit a Trust/LHB site have the potential to introduce and transmit micro-organisms. Whenever a piece of equipment is brought onto a Trust/LHB site there is a risk of cross infection unless a decontamination procedure has been carried out.

Organisms can be carried not only from one patient to another but from one hospital to another. All patients are a potential infection risk so decontamination must be carried out before equipment enters a Trust/LHB site.

It is the responsibility of the supplier representative to ensure equipment is decontaminated between patients and hospitals.

## 11.0 Promotional Activity

Representatives should inform the relevant user department and Procurement Services as soon as reasonably practicable, of any teaching or promotional activity which is to be undertaken on an Trust/LHB site.

Existing Trust/LHB policies should not be compromised and any comparisons drawn with medicines or practices in use should be in the form of properly controlled published studies.

Leaflets and posters produced by industry must be not be displayed in clinical areas unless approved in accordance with the relevant Trust/LHB policy.

## 12.0 Commercial Sponsorship

Sponsorship is only acceptable if it forms part of an educational or training course approved by the relevant manager in the Trust/LHB. All other hospitality will be refused unless prior written consent from a Director or Senior Manager is provided.